

Appl. No. : 09/909,181
Filed : July 19, 2001

REMARKS

With this amendment, Claims 8-18, 25-26, and 33-36 are pending in the above-captioned application. Claims 1-7 and 19-24 have been canceled, Claims 8-12, 14-15, 17-18, and 25 have been amended. Claims 33-36 have been added. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the above-referenced application.

In the Office Action, the Examiner indicated that prosecution of this application is reopened in view of the appeal brief filed on December 19, 2003. The Examiner has set forth a new ground of rejection in the Office Action, but indicated that Claims 8, 25, and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner indicated that Applicant must either file a reply under 37 CFR 1.111 or request reinstatement of the appeal.

In an effort to expedite the prosecution of this application, Applicant does not wish to reinstate the appeal at this time and has amended Claims 8 and 25 to forms which the Examiner indicated would be allowable. Applicant has also amended the remaining claims so that they all depend from either Claim 8 or 25. However, Applicant reserves the right to pursue the canceled claims at a later time.

With respect to Claim 8, Applicant has amended this claim to incorporate all of the limitations in Claim 1. Applicant did not incorporate the "hydrophilic" limitation recited in the intervening claim 7 as Applicant does not believe that this limitation is relevant to the Examiner's rationale in determining that Claim 8 contains allowable subject matter (*i.e.*, foamed polymeric material encompassing polynorbornene). With respect to Claim 25, Applicant has amended this claim to incorporate all of the limitations of the base and intervening claims. Applicant has also added new claims 33-36 which all depend from Claim 8.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all pending claims of the present application are in condition for allowance, and such action is earnestly solicited. Should there be any impediment to the prompt allowance of this application of this application that could be resolved through a telephone conference, the Examiner is respectfully requested to call the


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undersigned at the number shown below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/28/2004

By: 
Linda Liu
Registration No. 51,240
Attorney of Record
Customer No. 20,995
(909) 781-9231

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